

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

**IN RE AQUA DOTS PRODUCTS
LIABILITY LITIGATION**

Case No. 08 CV 2364

**THE HONORABLE DAVID H. COAR
MAGISTRATE JUDGE SUSAN E. COX**

**SPIN MASTER LTD., SPIN MASTER, INC. AND TARGET CORPORATION'S
MOTION TO DISMISS
PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

Defendants Spin Master Ltd., Spin Master, Inc., and Target Corporation (collectively "Defendants"), by their attorneys, respectfully request that this Court dismiss Plaintiffs' claims, and in support thereof state as follows:¹

1. This MDL proceeding started with nine separate class action complaints. Plaintiffs in those cases combined their claims into a single Consolidated Amended Class Action Complaint (the "Consolidated Complaint") brought by twelve individual Plaintiffs. The Consolidated Complaint sets forth nine separate causes of action, one under the Consumer Product Safety Act and eight under state statutory and common law.

2. For the reasons set forth in the supporting memorandum filed concurrently with this motion, Plaintiffs have failed to state a claim upon which relief can be granted under each of these causes of action, and the Consolidated Complaint should be dismissed in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(6). Further, Plaintiffs lack standing to bring this action, and this Court should dismiss it pursuant to Federal Rule of Civil Procedure 12(b)(1).

¹ The Spin Master and Target Defendants are required to file their Rule 12 motion on Friday, June 27. Defendants Wal-Mart Corporation and Toys 'R' Us were first named in this case in the Consolidated Complaint, filed on May 30, and no response is due from them at this time.

WHEREFORE, for the reasons set forth above and in the MEMORANDUM OF LAW IN SUPPORT OF SPIN MASTER LTD., SPIN MASTER, INC. AND TARGET CORPORATION'S MOTION TO DISMISS PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION COMPLAINT, Defendants hereby ask this Court to dismiss all claims in the Consolidated Complaint.

Dated: June 27, 2008

Respectfully submitted,

SPIN MASTER LTD.,
SPIN MASTER, INC. and TARGET
CORPORATION

By: /s/ Thomas J. Wiegand
One of their attorneys

Ronald Y. Rothstein
Thomas J. Wiegand
Bryna J. Dahlin
Joanna E. Clarke-Sayer
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, Illinois 60601
Telephone (312) 558-5600
Facsimile (312) 558-5700

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on June 27, 2008, I filed the above and foregoing with the Court's ECF system and by doing so served a copy on all the parties.

/s/ Thomas J. Wiegand
ATTORNEY FOR SPIN MASTER LTD.,
SPIN MASTER, INC. AND
TARGET CORPORATION